
Massachusetts Employment Discrimination Statute of Limitations Extended to 300 Days

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A new law signed by Acting Governor Swift on August 7, 2002 extends the statute of limitations to 300 days for filing employment discrimination charges, including sexual harassment, under the Massachusetts Fair Employment Practices Statute, Chapter 151B. Under the previous statute of limitations, aggrieved applicants, employees and former employees were required to file their discrimination charges with the Massachusetts Commission Against Discrimination (MCAD) within six months of the alleged discrimination or be foreclosed from maintaining these claims before the MCAD or in court. The new four-month extension of time, which becomes effective for all claims arising after November 7, 2002, will mean that more charges will be filed with the MCAD and fewer claims will be time-barred due to the longer 300 day filing period. The statute of limitations for filing charges of discrimination with the Federal Equal Employment Opportunity Commission (EEOC) under federal employment discrimination statutes such as Title VII and ADEA remains 300 days. In anticipation of the increased number of administrative charges and attendant litigation, employers should redouble their efforts to engage in proper communications with employees, craft and disseminate anti-discrimination policies (including sexual harassment), document performance deficiencies, conduct appropriate internal investigations of

discrimination complaints, and take necessary remedial action to end any discrimination, including unlawful harassment. Additionally, employers should keep contact information on former employees, as they may become witnesses in a discrimination action in the future. Employers should also revise record retention policies in accordance with the new state statute of limitations.

Finally, training supervisors and managers on employment discrimination law compliance - in particular, how to prevent, identify and deal with unlawful harassment - is critical to minimizing legal liability in this regard. To assist our clients, we offer a wide range of supervisor/manager training, including:

- Sexual and Other Unlawful Harassment
- Managing and Retaining Employees through Effective Communication: A Legal-Psychological Perspective
- Employment Law and Performance Management
- The Interplay of the FMLA, ADA and Workers' Compensation and Maternity Leave Laws
- Union Awareness
- Restrictive Covenants: Non-competition and Non-solicitation Agreements and Protecting Your Confidential Information
- Immigration Law

If you would like to discuss supervisor/manager training, please e-mail or call [Jonathan Rosenfeld](#), the senior partner in our Labor and Employment Department in charge of client training, at jonathan.rosenfeld@haledorr.com, +1 617 526 6941.